IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10514 of 2004

Between:
Smt. Velagapudi Pratima, W/o. V. Sivaji,
R/o. Navipet, Nizamabad District.

..... PETITIONER

AND

1 The Superintending Engineer, Operation Circle, A.P. TRANSCO, Nizamabad.
2 The Asst. Divisional Engineer, Operations, A.P. TRANSCO, Nandipet, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 1st respondent in not disposing the Appeal of the Petitioner as illegal, null, void and arbitrary, and consequently declare the proceedings of the 2nd respondent in order No. ADE/OPN/NDPT/D.NO. 223 dated 09-08-2003 as illegal, null, void and arbitrary.

Counsel for the Petitioner:MR.K.DURGA PRASAD

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR, Standing Counsel for Transco.

The Court made the following O R D E R:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in demanding the assessed amount as confirmed by the appellate authority.

2. According to the petitioner, she was provided agricultural connection, later the said power connection was used for maintaining fish ponds as agricultural land was converted into fish ponds, therefore, the respondents initiated action for back billing in view of the different use of the service connection. With reference to the final assessment made, it is stated that the petitioner has already deposited half of the finally assessed amount. It is stated that the first appeal preferred before the second respondent ended in dismissal, and the further appeal filed before the first respondent is pending, and pending the said appeal, the respondents are demanding for payment of the other half amount.

3. Learned counsel for the petitioner contended that usually pending the proceedings, only half of the finally assessed amount is sought to be collected by the respondents, but contrary to the said method, the respondent authorities are seeking payment of the entire finally assessed amount.

Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4. As it is stated that the petitioner has already paid 50 percent of the finally assessed amount, there shall be stay of the bill dated 01-06-2004 issued with back billing amount, pending disposal of the appeal by the first respondent and the stay granted shall be subject to the final orders passed by the first respondent.

5. The writ petition is accordingly disposed of.

_____

24-06-2004

Note:Furnish C.C by tomorrow
b/o
vrn

1 The Superintending Engineer , Operation Circle AP. TRANSCO, Nizamabad
2 The Asst. Divisional Engineer , Operations, AP., TRANSCO, Nandipet, Nizamabad district
3. Two C.D. copies.